

असाधारण EXTRAORDINARY

भाग II—सण्ड 1 PART II—Section 1

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NEW DET.SH, FREDAY, JUNE 28, 1985/ASADHA 7, 1907

इस भाग में भिन्न पृष्ठ संख्या वी फाती है जिससे कि यह अलग संकलन को रूप में रखा जा सजी।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th June, 1935/Asadha 7, 1907 (Saka)

The following President's Act is published for general information: --

THE PUNJAB MUNICIPAL (AMENDMENT) ACT, 1985 No. 3 of 1985.

Enacted by the President in the Thirty-sixth Year of the Republic of India

An Act further to amend the Punjab Municipal Act, 1911

36 of 1984,

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1984, the President is pleased to enact as follows:—

- 1. This Act may be called the Punjab Municipal (Amendment) Act, 1985.
 - 2. In the Punjab Municipal Act, 1911, in section 13 --
 - (1) in the proviso to sub-section (2), in clause (1) for the words "one year", the words "two years" shall be substituted; and
 - (a) after sub-section (2B), the following subsection of all he inserted, namely:—
 - "(3) Where in the opinion of the State Government elections to a committee cannot be held before the expiry of the term

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Amendment of section 13 of Punjab Act III of 1911. specified or extended, as the case may be, under sub-section (2), the State Government may, by notification, declare that all members of such committee shall, on and from the date of expiry of the term so specified or so extended, cease to hold office and notwithstanding anything contained in section 238, the committee shall, on and from that date, stand superseded and the provisions sub-section (4) of section 238 shall, as far as may be, apply such supersession:

Provided that the period of supersession shall not exceed two years.".

ZAIL SINGH, President.

R. V. S. PERI SASTRI, Secy. to the Govt. of India.

Reasons for the enactment

The general elections to the municipal committees in the State of Punjab were held in June, 1979 and the normal term of office of 5 years of the elected members was to expire from June, 1984 onwards. Due to disturbed conditions in the State, it was not considered possible to hold election to the municipal committees before the expiry of the term of and to overcome the difficulties, office of the then elected members the Punjab Municipal Act, 1911 was got amended and clause (i) inserted in the proviso to sub-section (2) of section 13 of the Act empowering the State Government to extend the term of office of the elected members of the municipal committees for a period not exceeding one year in the aggregate vide President's Act 2 of 1984. Accordingly, the term of the municipal committees in the State had been extended up to 30th June, 1985. It is proposed to extend the term further, as conditions in the State still do not permit the holding of municipal elections before 30th June, 1985. There is no provision in the Punjab Municipal Act, 1911, to meet the requirements of the situation. To overcome this difficulty, it is proposed to amend the Punjab Municipal Act, 1911 to the following effect---

- (i) that provision may be made empowering the State Government to extend the term of the municipal committee beyond 30th June, 1985 for a period not exceeding one year in aggregate; and
- (n) that provision for supersession may be made so that the municipal committees could be superseded on the expiry of the term so extended, if considered necessary.

However, elections can be held during the period of extension or supersession, as the case may be, as and when conditions in the State so permit.

Since the Bill is to be enacted as President's Act before 30th June, 1985, it is not practicable to consult the Consultative Committee of Members of Parliament under the proviso to sub-section (2) of section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1984 (36 of 1984). As such the Bill is being enacted as President's Act without such consultation.

RAMESH CHANDRA,
Secy. to the Govt. of India
(Ministry of Works and Housing).